

1 SCOTT N. SCHOOLS (SCBN 9990)
2 United States Attorney

3 MARK L. KROTKO (CSBN 138549)
4 Chief, Criminal Division

5 ANDREW P. CAPUTO (CSBN 203655)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
Telephone: (415) 436-7004
Facsimile: (415) 436-7234
E-mail: andrew.caputo@usdoj.gov

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 07-0056 CRB
14 Plaintiff,) [PROPOSED]
15 v.) ORDER OF DETENTION
16 ELMO DANIELS,) PENDING TRIAL
17 Defendant.)
18 _____)

19 This matter came before the Court on March 29, 2007, for a detention hearing. The
20 defendant, Elmo Daniels, was present and represented by George Cotsirilos, Jr., of Cotsirilos &
21 Campisano. Assistant United States Attorney Drew Caputo appeared for the United States.
22

23 Pretrial Services submitted a report to the Court and the parties that recommended
24 detention, and a representative of Pretrial Services was present at the hearing. The Government
25 requested detention, and defendant opposed. Proffers and arguments regarding detention were
26 submitted by the parties at the hearing.

[PROPOSED] DETENTION ORDER
CR 07-0056 CRB

Upon consideration of the facts, proffers and arguments presented, the Court finds by a preponderance of the evidence that no condition or combination of conditions of release will reasonably assure the appearance of defendant as required. Accordingly, the Court concludes that defendant must be detained pending trial in this matter.

The present order supplements the Court's findings at the detention hearing and serves as written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1).

The Court makes the following findings as basis for its conclusion that no condition or combination of conditions of release will reasonably assure the appearance of defendant. First, defendant lacks a stable employment history. Second, his criminal history reveals at least five probation or parole violations. Third, defendant was on parole at the time of the charged offense. Fourth, his criminal history shows at least four failures to appear in court, including one as recent as December 2006. For these reasons, the Court deems defendant to present a risk of flight that cannot be mitigated adequately by conditions of release.

Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

1. Defendant be, and hereby is, committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. Defendant be afforded reasonable opportunity for private consultation with his counsel; and

3. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver defendant to an authorized deputy United States marshal for the purpose of any appearance in connection with a court proceeding.

Dated: April 2, 2007

[PROPOSED] DETENTION ORDER
CR 07-0056 CRB

